

FEE STATUS MEMORANDUM

To: Screening Judge

From: Patrick Fisher (303)844-5074

Subject: No. 05-3126, *Purkey v. Green*

Date: August 16, 2005
August 2005, Screening List # 6

Background: This is a *pro se* state prisoner civil rights appeal. Defendants are county correctional officials. The district court granted summary judgment. Plaintiff appealed and we remanded. The OJ is attached, Judges Henry and Briscoe concurring and dissenting. On remand, the district court again granted summary judgment. The district court dismissed as there was no material factual issue. Judge Robinson addresses 9 issues in her order. Appellee says there are six. The order is attached to appellees' brief.

Fees: The district court granted appellant's motion to proceed without prepayment of the appellate filing fee. A copy of the order is attached. The panel on the merits will not need to address the fee issue except to remind appellant that he/she must continue making partial payments until the entire balance of the appellate filing fee is paid.